

STATE OF CALIFORNIA DECISION OF THE PUBLIC EMPLOYMENT RELATIONS BOARD

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES,)
AFL-CIO, Local 2229,) Case No. LA-CE-2860
Charging Party,)) INTERIM ORDER - REQUEST) FOR RECONSIDERATION
ABC UNIFIED SCHOOL DISTRICT,) PERB Decision No. 831a
Respondent.) November 16, 1990)

<u>Appearances</u>: Reich, Adell & Crost by John Rubin, Attorney, for American Federation of State, County and Municipal Employees, AFL-CIO, Local 2229; Atkinson, Andelson, Loya, Ruud & Romo by James C. Romo, Attorney, for ABC Unified School District.

Before Hesse, Chairperson; Shank and Camilli, Members.

DECISION

HESSE, Chairperson: The ABC Unified School District (District) filed a timely motion for reconsideration under California Code of Regulations, Title 8, section 32410 of the Public Employment Relations Board (PERB or Board) Decision and Order granting the American Federation of State, County and Municipal Employees, AFL-CIO, Local 2229's (AFSCME) request to withdraw the underlying unfair practice charge and setting aside the proposed decision in this case. The District's motion was based on, inter alia, the lack of an opportunity to respond to AFSCME's request for withdrawal. The District contends, and AFSCME does not dispute, that the District was not properly served with AFSCME's request.

PERB Regulation 32410, concerning requests for reconsideration states, in pertinent part, "[A]ny party to a decision of the Board itself may, because of extraordinary circumstances, file a request to reconsider the decision . . . " Because the Board finds that the issue of due process raised by the District constitutes extraordinary circumstances, the Board hereby GRANTS the request for reconsideration. A decision on the merits of AFSCME's request to withdraw the underlying unfair practice charge will follow.

Members Shank and Camilli joined in this Decision.